

21 C.J.S. Courts § 298

Corpus Juris Secundum | May 2023 Update

Courts

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VIII. Concurrent and Conflicting Jurisdiction

B. State and United States Courts

4. Enjoining Proceedings in Other Court

b. Exceptions to Anti-Injunction Act

§ 298. Statutory authorization for federal injunction of state proceedings

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West's Key Number Digest

West's Key Number Digest, [Courts](#)  508(1), 508(2.1), 508(8)

The Anti-Injunction Act does not prohibit an injunction by a federal court of state court proceedings if the injunction is expressly authorized by federal statute.

The Anti-Injunction Act does not prohibit an injunction by a federal court of state court proceedings if the injunction is expressly authorized by federal statute.¹ Under the so-called "expressly-authorized" exception,² the Act provides that a federal court may grant an injunction to stay proceedings in a state court if expressly authorized by Act of Congress.³

In order to expressly authorize an injunction for purposes of the exception, a federal statute need not expressly refer to the Anti-Injunction Act, expressly authorize an injunction of a state court proceeding, or on its face and in every one of its provisions be totally incompatible with the Anti-

Injunction Act.⁴ Rather, the "expressly authorized" exception in the Act permits injunctions against state-court proceedings where a federal statute creates a federal right or remedy that can only be given its intended scope by such an injunction.⁵

For example, pursuant to the expressly authorized exception, a federal court may enjoin the continued prosecution of the same case in state court after its removal to federal court in light of the federal removal statute⁶ directing that after removal has taken place, the state court may proceed no further unless and until the case is remanded.⁷ In addition, the federal civil rights statute prohibiting the deprivation, under color of state law, of federal rights and authorizing suits in equity to redress such deprivations⁸ has been held to fall within the expressly authorized exception,⁹ at least where the civil rights claim is based on federal statutory rights, as distinct from federal constitutional rights.¹⁰ Various other statutes have also been held to fall¹¹ or not to fall¹² within the exception.

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Footnotes

- 1 U.S.—*Chick Kam Choo v. Exxon Corp.*, 486 U.S. 140, 108 S. Ct. 1684, 100 L. Ed. 2d 127 (1988).
- 2 U.S.—*In re BankAmerica Corp. Securities Litigation*, 263 F.3d 795, 51 Fed. R. Serv. 3d 1 (8th Cir. 2001), as amended, (Oct. 3, 2001).
- 3 28 U.S.C.A. § 2283.
- 4 U.S.—*Mitchum v. Foster*, 407 U.S. 225, 92 S. Ct. 2151, 32 L. Ed. 2d 705 (1972).
- 5 U.S.—*Mitchum v. Foster*, 407 U.S. 225, 92 S. Ct. 2151, 32 L. Ed. 2d 705 (1972); *In re BankAmerica Corp. Securities Litigation*, 263 F.3d 795, 51 Fed. R. Serv. 3d 1 (8th Cir. 2001), as amended, (Oct. 3, 2001).
- 6 28 U.S.C.A. § 1446(d).
- 7 U.S.—*Fulford v. Transport Services Co.*, 412 F.3d 609 (5th Cir. 2005).
- A.L.R. Library**
Status, in federal court, of judgment or order rendered by state court before removal of case, 2 A.L.R. Fed. 760.
- 8 42 U.S.C.A. § 1983.
- 9 U.S.—*Trainor v. Hernandez*, 431 U.S. 434, 97 S. Ct. 1911, 52 L. Ed. 2d 486 (1977); *Mitchum v. Foster*, 407 U.S. 225, 92 S. Ct. 2151, 32 L. Ed. 2d 705 (1972); *Lawson v. Hill*, 368 F.3d 955 (7th Cir. 2004).
- 10 U.S.—*Hickey v. Duffy*, 827 F.2d 234, 8 Fed. R. Serv. 3d 974 (7th Cir. 1987).
- 11 **Federal habeas statute**
U.S.—*McFarland v. Scott*, 512 U.S. 849, 114 S. Ct. 2568, 129 L. Ed. 2d 666 (1994).
- 12 **Rivers and Harbors Act**
U.S.—*Martingale LLC v. City of Louisville*, 361 F.3d 297, 2004 FED App. 0080P (6th Cir. 2004).

Clayton Antitrust Act

U.S.—*Vendo Co. v. Lektro-Vend Corp.*, 433 U.S. 623, 97 S. Ct. 2881, 53 L. Ed. 2d 1009 (1977).

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U.S.—*Trustees of Carpenters' Health and Welfare Trust Fund of St. Louis v. Darr*, 694 F.3d 803 (7th Cir. 2012).

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